

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

No. C06-4959 MHP

BENNY ROS,

Petitioner,

vs.

DEPARTMENT OF CORRECTIONS, et al.,

Respondents.


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**ORDER DISMISSING  
PETITION**

The court having been advised by counsel for petitioner in a filing entitled "Notification of Petitioner's Death" that petitioner died on July 29, 2007, dismisses the petition herein for mootness. Courts that have addressed the question of the disposition of a habeas petition upon the death of the petitioner have uniformly ruled that death moots the petition. See, e.g., Knapp v. Baker, 509 F.2d 922 (5<sup>th</sup> Cir. 1975); In re Ethel Kravitz, 504 F. Supp. 43, 52 (M.D. Pa. 1980) (and cited cases therein). Accordingly,

IT IS HEREBY ORDERED that the petition in this action is DISMISSED. The Clerk of Court shall close the file.

Date: August 13, 2007

  
MARILYN HALL PATEL  
Judge  
United States District Court  
Northern District of California